

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
vs.) NO. 08 CR 0106
)
RAYMIE HENDERSON,) JUDGE JAMES B. MORAN
NOWELL PATRICK LANDO and)
AUGUSTUS WRIGHT,)
)
Defendants.)

DEFENDANT HENDERSON'S MOTION TO DISMISS
THE TITLE 18 SECTION 1957 CHARGES

NOW COMES the defendant, RAYMIE HENDERSON, by and through his attorney, ROBERT HABIB, and pursuant to Rule 12(b) of the Federal Rules of Criminal Procedure, moves this Honorable Court to dismiss all charges against him for violating Title 18 Section 1957, and in support thereof, states as follows:

1. That the defendant, HENDERSON is charged in Count I, and Count II of the Indictment, with money laundering in violation of Title 18, U.S.C. Section 1957, by engaging in a monetary transaction affecting interstate commerce, and involving criminally derived property of a value of greater than TEN THOUSAND AND NO/100'S (\$10,000.00) DOLLARS.

3. That the term "monetary transaction" is defined in Section F, as follows:

"(f) As used in this section
(1) the term "monetary transaction"
means the deposit, withdrawal, transfer,
or exchange, in or affecting the interstate
or foreign commerce, of funds or a monetary
instrument (as defined in section 1956(c)(5)
of this title) by, through, or to a financial
institution (as defined in section 1956 of
this title), including any transaction that
would be a financial transaction under section
1956(c)(4)(B) of this title, but such term
does not include any transaction necessary
to preserve a person's right to representation
as guaranteed by the sixth amendment to the
Constitution;"

4. That there is no allegation in either Count I or
Count II which involves a monetary instrument by, through,
or to a financial institution.

5. Therefore, the Indictment fails to state an
offense under Section 1957.

WHEREFORE, the defendant, HENDERSON prays that Count I
be dismissed as to Section 1957 charge, and Count II be
dismissed in its entirety.

/S/ ROBERT HABIB

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